

If the answer to any of these questions is “yes,” contact the relevant federal agency or agencies for further guidance on environmental compliance. Further guidance concerning NEPA can be found at [NEPA | National Environmental Policy Act - Home https://ceq.doe.gov/](https://ceq.doe.gov/)

- 4) Has any environmental review (e.g., NEPA documentation or state or tribal equivalent) been prepared for this proposed eligible activity?

Yes

No

If yes, please attach a copy of the documentation to this checklist.

1.2. COASTAL ZONE MANAGEMENT ACT (CZMA)

A federal consistency determination or certification pursuant to Section 307 of the Coastal Zone Management Act may be required from the state coastal zone management program, based on the answers to the following questions:

- 1) Will the proposed activity occur in or near the state designated coastal zone?
<https://coast.noaa.gov/czm/media/StateCZBoundaries.pdf>

Yes

No

- 2) Is the activity likely to have reasonably foreseeable effects on any land or water use or natural resource of the designated coastal zone?

Yes

No

If the answer to either of these questions is “yes,” contact the State Coastal Zone Management Program, <https://coast.noaa.gov/czm/about/?redirect=301ocm> for further guidance on federal consistency requirements in your state. Further guidance on federal consistency can be found at <https://coast.noaa.gov/czm/consistency/>

1.3 ENDANGERED SPECIES ACT (ESA)

A consultation pursuant to Section 7 of the Endangered Species Act and/or a permit and conservation plan pursuant to Section 10 may be required based on the answers to the following questions:

- 1) Will the proposed activity occur in proximity to threatened or endangered species or critical habitat as defined by the ESA and under the jurisdiction of the National Marine Fisheries Service (NMFS), [Species and Critical Habitat Found in the Southeast Region :: Southeast Regional Office](#) or the U.S. Fish and Wildlife Service (USFWS), [IPaC: Home](#)

Yes

No

- 2) Will the proposed activity potentially affect threatened or endangered species or critical habitat as defined by the ESA and under the jurisdiction of NMFS or USFWS? See http://sero.nmfs.noaa.gov/protected_resources/section_7/effects_guidance/endangered_species_act_section_7_effects_determination_web_guidance_final.pdf for further information.

Yes

No

If the answer to either of these questions is “yes,” or you are unsure, contact the appropriate ecological services field office of the USFWS, <https://www.fws.gov/offices/> and/or the Office of Protected Resources Program of the NMFS, <http://www.nmfs.noaa.gov/pr/index.htm>, to determine if consultation is required. Most consultations are conducted informally with the federal agency or a designated non-federal representative. Non-federal representatives may be involved in the informal consultation process and may request and receive species lists, prepare the biological assessment, and provide information for the formal consultation. However, the action agency is required to formally designate the non-federal representative in writing. Moreover, the ultimate responsibility for Section 7 obligations remains with the federal action agency. Further guidance concerning Section 7 consultations can be found in the Endangered Species Act Consultation Handbook at [Centralized Library, Final Section 7 Consultation Handbook: U.S. Fish and Wildlife Service https://www.fws.gov/policy/m0002.html](https://www.fws.gov/policy/m0002.html) Further guidance concerning Section 10 permits and conservation plans for activities involving threatened or endangered marine and anadromous species can be found at http://www.nmfs.noaa.gov/pr/permits/ESA_permits.html. For terrestrial or freshwater species or land-based sea turtle activities, further guidance concerning section 10 permits and habitat conservation plans can be found at <https://www.fws.gov/endangered/esa-library/index.html>

1.4 MIGRATORY BIRD TREATY ACT AND BALD AND GOLDEN EAGLE PROTECTION ACT

The Migratory Bird Treaty Act makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. The migratory bird species protected by the Act are listed in 50 C.F.R. 10.13. The Bald and Golden Eagle Protection Act prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles [or any golden eagle], including their parts, nests, or eggs. The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." A permit may be required based on the answers to the following questions:

- 1) Will the proposed activity affect any migratory bird species protected by the Migratory Bird Treaty Act?

Yes

No

- 2) Will the proposed activity affect any bald or golden eagles protected by the Bald and Golden Eagle Protection Act?

Yes

No

Protected Resources Program <http://www.nmfs.noaa.gov/pr/> or the appropriate USFWS ecological services office <https://www.fws.gov/offices/> to determine if a permit is required. Further guidance concerning marine mammal permits can be found at http://www.nmfs.noaa.gov/pr/permits/mmpa_permits.html

1.7 MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (MPRSA)

Titles I and II of the Marine Protection, Research, and Sanctuaries Act (MPRSA), also referred to as the Ocean Dumping Act, generally prohibits (1) transportation of material from the United States for the purpose of ocean dumping; (2) transportation of material from anywhere for the purpose of ocean dumping by U.S. agencies or U.S.-flagged vessels; (3) dumping of material transported from outside the United States into the U.S. territorial sea. A permit may be required based on the answer to the following question:

- 1) Does the proposed activity involve an activity covered by the MPRSA?

Yes

No

If the answer to this question is “yes,” contact the Environmental Protection Agency’s (EPA) Office of Wetlands, Oceans, and Watersheds/Oceans and Coastal Protection Division for further guidance <https://www.epa.gov/aboutepa/about-office-water> or <https://www.epa.gov/aboutepa/about-office-water#wetlands>. Further guidance about permits under the MPRSA can be found at <https://www.epa.gov/laws-regulations/summary-marine-protection-research-and-sanctuaries-act>

1.8 NATIONAL MARINE SANCTUARIES ACT

Each National Marine Sanctuary has its own unique set of regulations. There are some regulatory prohibitions that are typical for many sanctuaries: 1) discharging material or other matter into the sanctuary; 2) disturbance of, construction on or alteration of the seabed; 3) disturbance of cultural resources; and 4) exploring for, developing or producing oil, gas or minerals (with a grandfather clause for preexisting operations). A permit may be required from the National Oceanic and Atmospheric Administration (NOAA) based on the answer to the following question:

- 1) Is the proposed activity located in a National Marine Sanctuary?

<http://sanctuaries.noaa.gov/about/regions.html>

Yes

No

If the answer to this question is “yes” contact the nearest Regional Office of NOAA’s National Marine Sanctuaries Program for further guidance <http://sanctuaries.noaa.gov/about/southeast.html>

1.9 CLEAN WATER ACT (CWA)

A separate type of permit is required to dispose of dredge or fill material in the Nation’s waters, including wetlands. Authorized by Section 404 of the Act, this permit program is administered by the U.S. Army Corps of Engineers (USACE), subject to and using environmental guidance from the EPA. Some types of activities are exempt from permit requirements, including certain farming, ranching, and forestry

practices that do not alter the use or character of the land; some construction and maintenance; and activities already regulated by States under other provisions of the Act. A permit may be required from the USACE based on the answer to the following question:

- 1) Will the proposed activity result in any disposal of dredge or fill material to the nation's waters or wetlands?

Yes

No

If the answer to this question is "yes," contact the Regulatory Program of the nearest District Office of the USACE for further guidance on Section 404 permits at

<http://w3.saj.usace.army.mil/permits/HQAvatar/>

A Water Quality Certification (Section 401) is required for activities that may result in a discharge into navigable waters, including wetlands, watercourses, and natural or man-made ponds. A National Pollution Discharge Elimination System (NPDES) permit may also be required for such discharges.

- 1) Will the proposed activity result in any discharge to navigable waters?

Yes

No

If the answer to this question is "yes," contact your state water quality agency for additional guidance. Further guidance concerning Section 401 or NPDES requirements can be found at

<http://www.epa.gov/owow/wetlands/waterquality> and <https://www.epa.gov/npdes>

1.10 CLEAN AIR ACT (CAA)

Special conditions may be required on projects that could affect air quality, based on the answer to the following question:

- 1) Will the proposed activity result in any direct or indirect emissions within a non-attainment area?
<http://www3.epa.gov/airquality/greenbook/define.html>

Yes

No

If the answer to this question is "yes," contact the nearest state air quality agency at <http://www.4cleanair.org/> for further guidance on determining conformity with the state implementation plan.

1.11 NATIONAL HISTORIC PRESERVATION ACT (NHPA) AND THE ARCHAEOLOGICAL AND HISTORIC PRESERVATION ACT (AHPA)

Special conditions may be required on projects that could affect historic resources, based on the answer to the following question:

- 1) Will the proposed activity occur near property listed or eligible for listing in the National Register of Historic Places <http://www.nps.gov/nr> or near property otherwise protected by section 106 of the National Historic Preservation Act <http://www.achp.gov/work106.html> or a similar State Preservation Act?

Yes

No

If the answer to this question is “yes,” or you are unsure, contact your state historic preservation office <http://ncshpo.org/> for further guidance concerning compliance requirements.

1.12 COASTAL BARRIER RESOURCE ACT (CBRA)

Federal funding may be prohibited for projects that occur on certain designated coastal barriers, based on the answer to the following question:

- 1) Is the proposed activity located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act?

<https://www.fws.gov/ecological-services/habitat-conservation/coastal.html>

Yes

No

If the answer to this question is “yes,” contact the appropriate USFWS ecological services office for further guidance at

https://www.fws.gov/ecological-services/habitat-conservation/cbra/PDF/field_offices_contact.pdf

1.13 RIVERS AND HARBORS ACT

A permit may be required from the USACE based on the answer to the following question:

- 1) Will the proposed activity involve any work (including structures) that will occur in, over or under navigable waters of the United States?

Yes

No

If the answer to this question is “yes,” contact the Regulatory Program of the nearest District Office of the USACE at <http://w3.saj.usace.army.mil/permits/HQAvatar/index.htm> for further guidance on Section 10 permits. The USACE can authorize activities by a standard individual permit, letter-of-permission, nationwide permit, or regional permit. The USACE will make the determination on what type of permit is needed.

1.14 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

A RCRA permit may be required from the EPA or designated state agency based on the answer to the following question:

- 1) Will the proposed activity include the long-term storage, treatment, or disposal of hazardous materials or petroleum products?

Yes

No

If the answer to this question is “yes,” contact the nearest RCRA Regional Office of the EPA or state authorized agency for further guidance on RCRA compliance at

<https://www.epa.gov/compliance/resource-conservation-and-recovery-act-rcra-compliance-monitoring>

1.15 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)

Special provisions and requirements may apply based on the answer to the following question,

- 1) Will the proposed activity involve a Superfund site? <https://www.epa.gov/superfund>

Yes

No

If the answer to this question is “yes,” contact the nearest Regional Office of the EPA for further guidance on CERCLA requirements at <https://www.epa.gov/aboutepa/visiting-regional-office>

1.16 WILD AND SCENIC RIVERS ACT

The Wild and Scenic Rivers Act prohibits federal support for actions such as the construction of dams or other instream activities that would harm the free-flowing condition, water quality, or outstanding resource values of a designated Wild and Scenic River. There are designated rivers in the Gulf Coast States and the Act may apply based on the answer to the following question:

- 1) Is the proposed activity located on a designated Wild and Scenic River?
<https://www.rivers.gov/index.php>

Yes

No

If the answer to this question is “yes,” contact the appropriate USFWS ecological services office for further guidance at <https://www.fws.gov/where/>

1.17 SAFE DRINKING WATER ACT

A permit may be required if the proposed activity will involve underground injection which may impact drinking water sources and based on the answer to the following question:

- 1) Will the proposed activity involve underground injection, which may impact drinking water sources?

Yes

No

If the answer to the question is “yes,” contact the nearest state drinking water or underground injection control program at <https://www.epa.gov/uic> . For further guidance, see <https://www.epa.gov/uic/underground-injection-control-regulations-and-safe-drinking-water-act-provisions>

1.18 FARMLAND PROTECTION POLICY ACT (FPPA)

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. The project may be subject to the FPPA based on the answer to the following question:

- 1) Will the proposed activity irreversibly convert farmland (directly or indirectly) to nonagricultural use?

Yes

No

If the answer to the question is “yes,” contact your local office of the Natural Resources Conservation Service (NRCS) or USDA Service Center for further guidance at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/contact/local/> and <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/>

EXECUTIVE ORDERS

Executive Orders are directives from the President of the United States to federal agencies and officials.

2.1 E.O. 11988 AND E.O. 13690 – FLOODPLAIN MANAGEMENT

Executive Order 11988, as amended by Executive Order 13690 requires that an eight-step process be followed for projects that may have potential impacts to or within floodplains.

- 1) Is the proposed activity located in a designated floodway or “V-zone” on a National Flood Insurance Program map? <http://msc.fema.gov/portal>

Yes

No

If the answer to this question is “yes,” contact the nearest Regional Office of the Federal Emergency

Management Agency for further guidance at

<http://www.fema.gov/national-flood-insurance-program-bureau-statistical-agent-regional-support-offices>

2.2 E.O. 11990 and E.O. 12608– WETLAND PROTECTION

This Executive Order requires agencies to avoid providing assistance for new construction located in wetlands unless there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands, which may result from such use. The Executive Order defines wetlands: “(c) The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

<https://www.fws.gov/wetlands/Data/Mapper.html>

For further guidance, contact the appropriate ecological services field office of the USFWS

<https://www.fws.gov/wetlands/NWI/RWC.html>

1) Is any portion of the project proposing a new construction activity in wetlands?

Yes

No

If the answer to this question is “yes,” provide documentation in the grant application demonstrating that (1) there is no practicable alternative and (2) the proposed activity includes all practicable measures to minimize harm to wetlands.

2.3 E.O. 12898 – ENVIRONMENTAL JUSTICE

This Executive Order requires that "each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

1) Will the proposed activity have disproportionately high and adverse human health or environmental effects on minority or low-income populations?

Yes

No

If the answer to this question is “yes,” see the Council on Environmental Quality website for further guidance on Environmental Justice at https://ceq.doe.gov/nepa_information/justice.html

2.4 E.O. 13089 – CORAL REEF PROTECTION

This Executive Order requires that any actions that are authorized or funded by federal agencies not degrade the condition of coral reef ecosystems. Some of the Gulf Coast States contain coral reef ecosystems and include National Marine Sanctuaries <http://sanctuaries.noaa.gov/>

- 1) Will the proposed activity involve a coral reef ecosystem or National Marine Sanctuary?

Yes No

If the answer to this question is “yes,” contact the National Oceanic and Atmospheric Administration Coral Reef Conservation Program for further guidance at <http://coralreef.noaa.gov/> Further guidance regarding Executive Order 13089 can be found at <https://ceq.doe.gov/nepa/regs/eos/eo13089.html>

2.5 E.O. 13112 – INVASIVE SPECIES

This Executive Order requires agencies to prevent the introduction of invasive species and provide for their control.

- 1) Will the proposed activity have the potential to introduce or cause the spread of an invasive species?

Yes No

If the answer to this question is “yes,” provide documentation demonstrating that the benefits of the activity clearly outweigh the potential harm caused by invasive species, and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions. For further guidance on invasive species, see <http://www.invasivespeciesinfo.gov/index.shtml> or <https://www.fws.gov/invasives/>

2.6 E.O. 13186 – RESPONSIBILITIES OF FEDERAL AGENCIES TO PROTECT MIGRATORY BIRDS

This Executive Order requires the incorporation and promotion of migratory bird conservation considerations into all agency activities. The Gulf Coast States contain North American migration flyways.

- 1) Is the proposed activity likely to occur during a time of the year when migrating birds are in the vicinity?

Yes No

If the answer to this question is “yes,” contact the appropriate USFWS ecological services office for further guidance at <https://www.fws.gov/where/> . Further guidance regarding Executive Order 13186 can be found at <https://www.fws.gov/birds/index.php> and <https://www.fws.gov/birds/policies-and-regulations/executive-orders.php>

2.7 E.O. 13653 – PREPARING THE UNITED STATES FOR THE IMPACTS OF CLIMATE CHANGE

This Executive Order requires federal agencies to identify and support smarter, more climate- resilient investments by States, local communities, and tribes, including by providing incentives through agency guidance and grants.

- 1) Will the proposed activity incorporate elements that promote climate-resilience (e.g., to rising sea levels)?

Yes

No

If yes, include a brief description of the climate-resilient elements in the grant application proposed activity description. Executive Order 13563 can be found at

<https://www.gpo.gov/fdsys/pkg/FR-2015-03-25/pdf/2015-07016.pdf>

For further guidance, see <https://www.whitehouse.gov/administration/eop/ceq/sustainability>

Tracking Report Status

Report the status of your contact with required agencies/tribes on the table below which coincides with the environmental laws outlined in the checklist. Provide the date of contact, name of agency/tribe contacted, location, and any necessary permit, certification, or other determination or mitigation proposed by the agency/tribe. If none, state so.

Status of Contact Table

Federal law as listed in checklist	Date of contact	Name of agency/tribe contacted	Location	Permit, certification, determination or mitigation required

Certification

Signature of Authorized Senior Official: _____

Name: _____ Date: _____

Title: _____ Organization: _____